

**ASSEMBLY BILL**

**No. 46**

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**Introduced by Assembly Member Tran  
(Coauthor: Assembly Member Solorio)**

December 4, 2006

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An act to amend Section 18543 of the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

AB 46, as introduced, Tran. Elections: right to vote.

Existing law provides that every person who knowingly challenges a person's right to vote without probable cause or on fraudulent or spurious grounds, or who engages in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting, or who fraudulently advises any person that he or she is not eligible to vote or is not registered to vote when in fact that person is eligible or is registered, or who otherwise orally challenges or questions a voter's qualifications to vote within a polling place is punishable by imprisonment in the county jail for not more than 12 months or in state prison.

This bill would instead make the violation of all of these offenses a felony and punishable by imprisonment for not less than 16 months, 2 years, or 3 years in the state prison by changing the penalties and for crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 18543 of the Elections Code is amended  
2     to read:  
3     18543. (a) ~~Every~~Any person who knowingly challenges a  
4     person's right to vote without probable cause or on fraudulent or  
5     spurious grounds, or who engages in mass, indiscriminate, and  
6     groundless challenging of voters solely for the purpose of  
7     preventing voters from voting or to delay the process of voting,  
8     or who fraudulently advises any person that he or she is not eligible  
9     to vote or is not registered to vote when in fact that person is  
10    eligible or is registered, or who violates Section 14240, is  
11    punishable by imprisonment ~~in the county jail for not more than~~  
12    ~~12 months or in the state prison for not less than 16 months, two~~  
13    ~~years or three years in the state prison.~~  
14    (b) ~~Every~~Any person who conspires to violate subdivision (a)  
15    is guilty of a felony *and is subject to imprisonment for not less*  
16    ~~than 16 months, two years, or three years in the state prison.~~  
17    SEC. 2. No reimbursement is required by this act pursuant to  
18    Section 6 of Article XIII B of the California Constitution because  
19    the only costs that may be incurred by a local agency or school  
20    district will be incurred because this act creates a new crime or  
21    infraction, eliminates a crime or infraction, or changes the penalty  
22    for a crime or infraction, within the meaning of Section 17556 of  
23    the Government Code, or changes the definition of a crime within  
24    the meaning of Section 6 of Article XIII B of the California  
25    Constitution.